

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
UNITED STATES OF AMERICA :

v. :

TRACEY MOOD, :

Defendant. :

-----X

ORDER

19 CR 113 (VB)

Copies Mailed/Faxed

Chambers of Vincent L. Briccetti

By motion dated May 28, 2022 (Doc. #64), which he supplemented by a letter the Court received on July 20, 2022 (Doc. #69), defendant Tracey Mood seeks a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). Mood's multiple prior motions for the same relief were denied both because Mood had not demonstrated extraordinary and compelling reasons warranting his early release, and because the factors set forth in 18 U.S.C. § 3553(a) weighed strongly against early release. (See Docs. ##45, 47, 51, 56, 59, 62). Having carefully reviewed Mood's latest motion as well as the government's response, the Court again concludes, for the same reasons, that the motion must be denied.

First, Mood's offense—organizing and leading a conspiracy to distribute crack cocaine and heroin in and around Port Chester, New York, during which he used couriers to deliver drugs and collect money—was extremely serious. Moreover, Mood has a lengthy criminal record, including seventeen prior convictions and eight felony drug convictions, and has served multiple prior prison sentences and had his parole revoked several times. Also, Mood has served only slightly more than half of the sentence imposed.

Second, Mood claims he suffered a "mysterious sickness" in May 2022, and that the Bureau of Prisons ("BOP") refuses to provide a medication prescribed by his doctor. But Mood's BOP medical records show BOP promptly evaluated and diagnosed Mood's illness and prescribed medication and other treatment, and that within a few days his condition had improved. Further, the records show BOP continues to diligently oversee his medical care. Thus, Mood's new illness does not constitute an extraordinary or compelling reason warranting early release.¹

Finally, as noted above, consideration of the Section 3553(a) factors still counsels against Mood's early release. Mood says he is "not a danger to the community." The Court disagrees. Mood has been a danger to his community for decades—except when he was incarcerated—because of his constant drug trafficking and repeated parole violations. Given this history, to reduce Mood's sentence now would neither be just nor promote respect for the law. It would

¹ Likewise, Mood's claim that BOP has so far failed to enroll him in the Residential Drug Abuse Program ("RDAP") is plainly not a basis for relief. The Court did recommend RDAP, but it did not in any way link the sentence imposed to the possibility of or consequences flowing from Mood's admission into that program.

also undermine the need to afford adequate deterrence and, perhaps most importantly, the need to protect the public from further crimes of the defendant.

For all the foregoing reasons, the instant motion is DENIED.

Chambers will mail a copy of this Order to defendant at the following address:

Tracey Mood, Reg. No. 86057-054
FCI Schuylkill
Federal Correctional Institution
P.O. Box 759
Minersville, PA 17954

Dated: July 22, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge